

#3 / I.D.S.
10-20-99

Practitioner's Docket No. 1945/193

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)for _____
Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Swift et al ✓

Serial No.: 09 / 305,417 ✓

Group No.: 2876

Filed: May 5, 1999 ✓

Examiner: Church, C.

For: MOBILE X-RAY INSPECTION SYSTEM ✓

FOR LARGE OBJECTS

RECEIVED

OCT 14 1999

TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory.)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Samuel J. Petuchowski

Date: October 1, 1999

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by Express Mail **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b)."Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.(Information Disclosure Statement [6-1]—page 1 of 8)

10/08/1999 ABRAHIM 00000027 09305417

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NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
 - (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
 - (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."
- 37 C.F.R. 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449 (PTO/SB/08A and 086)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of 8)

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SECTION 2: FORM PTO 1449 - MODIFIED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Swift et al. Atty Dkt: 1945/193
 Serial No: 09/305,417 Art Unit: 2876
 Date Filed: May 5, 1999 Examiner: Church, C.

Invention: MOBILE X-RAY INSPECTION SYSTEM FOR LARGE OBJECTS

Assistant Commissioner for Patents
 Washington, DC 20231

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS
INFORMATION DISCLOSURE STATEMENT

RECEIVED
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<u>Exam.</u> <u>Init.</u>	<u>Ref.</u> <u>No.</u>	<u>U.S. Patent</u> <u>No.</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>
CCL	AA	Re. 28,544	Sept. 2, 1975	Stein et al.	250/369
CCL	AB	3,569,708	Mar. 9, 1971	Weinbaum et al.	250/83.3
CCL	AC	3,868,506	Feb. 25, 1975	Osigo	250/278
CCL	AD	3,928,765	Dec. 23, 1975	Teller	250/272
CCL	AE	4,047,029	Sept. 6, 1977	Allport	250/273
CCL	AF	4,052,617	Oct. 4, 1977	Garrett et al.	250/360
CCL	AG	4,342,914	Aug. 3, 1982	Bjorkholm	378/99
CCL	AH	4,768,214	Aug. 30, 1988	Bjorkholm	378/87
CCL	AI	4,799,247	Jan. 17, 1989	Annis et al.	378/87
CCL	AJ	4,864,142	Sept. 5, 1989	Gomberg	250/390.04
CCL	AK	4,884,289	Nov. 28, 1989	Glockmann et al.	378/57
CCL	AL	4,974,247	Nov. 27, 1990	Friddell	378/90
CCL	AM	5,014,293	May 7, 1991	Boyd et al	378/197
CCL	AN	5,022,062	June 4, 1991	Annis	378/86
CCL	AO	5,065,418	Nov. 12, 1991	Bermbach et al.	378/57
CCL	AP	5,132,995	July 21, 1992	Stein	378/56
CCL	AQ	5,181,234	Jan. 19, 1993	Smith	378/87
CCL	AR	5,224,144	June 29, 1993	Annis	378/146
CCL	AS	5,253,283	Oct. 12, 1993	Annis et al.	378/100
CCL	AT	5,302,817	Apr. 12, 1994	Yokota et al.	250/214
CCL	AU	5,313,511	May 17, 1994	Annis et al.	378/87

Church

2/01

09 305417

<u>Exam.</u> <u>Init.</u>	<u>Ref.</u> <u>No.</u>	<u>U.S. Patent</u> <u>No.</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>
<u>C9C</u>	AV	5,638,420	June 10, 1997	Armistead	378/57
<u>C9C</u>	AW	5,692,028	Nov. 25, 1997	Geus et al.	378/57
<u>C9C</u>	AX	5,764,683	June 9, 1998	Swift et al.	378/57
<u>C9C</u>	AY	5,903,623	May 11, 1999	Swift et al.	378/57

Examiner: _____

Chancel

Date Considered: _____

2/01

NOTE FOR EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance AND not considered. Include copy of this form with next communication to applicant.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

NOTE: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. 1.98(d).

WARNING: "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

WARNING: "Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

WARNING: While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

This application relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN.: 0 9 /072,212 , filed on May 4, 1998 (date).

(complete the following, if applicable)

☒ This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN.: 0 8 /799,533 , filed on Feb. 12, 1997 (date).

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

AA: Re. 28,544	AO: 5,065,418
AD: 3,928,765	AP: 5,132,995
AH: 4,768,214	AR: 5,224,144
AI: 4,799,247	AS: 5,253,283
AJ: 4,864,142	AU: 5,313,511
AK: 4,884,289	AV: 5,638,420
AL: 4,974,247	AW: 5,692,028
AM: 5,014,293	
AN: 5,022,418	AX: 5,764,683
	AY: 5,903,623

(Information Disclosure Statement — Section 4. Identification of Prior Application in Which Listed Information Was Already Submitted and for Which No Copies Are Submitted or Need Be Submitted
[6-1]—page 6 of 8)

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . . "

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Form PTO-1449 (PTO/SB/08A and 08B) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

- ☒ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- ☐ Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement—Section 6. Copies of Listed Information Items Accompanying
This Statement [6-1]—page 7 of 8)

Section 10. Identification of Person(s) Making THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the attorney who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(c))
☒ in the attorney's file.

Reg. No.: 37,910

Tel. No.: (617) 443-9292

Customer No.: 002101


SIGNATURE OF PRACTITIONER

Samuel J. Petuchowski

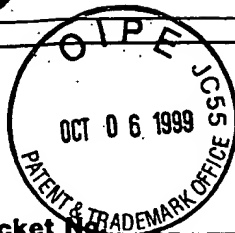
(type or print name of practitioner)

BROMBERG & SUNSTEIN LLP

P.O. Address

125 Summer Street, Boston, MA 02110

(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]—page 8 of 8)



2876

Attorney's Docket No. 1945/193

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Swift et al.

Serial No: 09 / 305,417

Group No.: 2876

Filed: May 5, 1999

Examiner: Church, C.

For: MOBILE X-RAY INSPECTION SYSTEM
FOR LARGE OBJECTSAssistant Commissioner for Patents
Washington, D.C. 20231RECEIVED
OCT 14 1999
TECHNOLOGY CENTER 2800TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: October 1, 1999

Samuel J. Petuchowski
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

**TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
- (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,
- whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is

(check either A or B below)

- A. ☐ a certification as specified in 37 CFR 1.97(e).

OR

- B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). ~~(\$220.00)~~ (\$240.00)

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c) ~~(\$220.00)~~ (\$240.00)

Fee due \$ 240.00

METHOD OF PAYMENT OF FEE

4.

- ☒ Attached is check in the amount of \$ 240.00

- ☐ Charge Account No. _____ in the amount of \$ _____

A duplicate of this request is attached.

If any additional fees are due, please charge Account 19-4972

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

Reg. No. 37,910

Tel. No.: (617) 443-9292

Customer No. 002101


SIGNATURE OF ATTORNEY

Samuel J. Petuchowski

(type or print name of attorney)

Bromberg & Sunstein LLP

P.O. Address

125 Summer Street, Boston, MA 02110